

IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1880.—Ordered to be printed.

Mr. PRYOR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 677.]

The Committee on Claims, to whom was referred the bill S. 677, for the relief of E. Troisgros, have had the same under consideration, and report as follows :

That from the petition and papers therewith filed it appears that the said E. Troisgros, a citizen of New Orleans, in the State of Louisiana, an old and respectable importer at the port of New Orleans, purchased a large quantity of molasses in 1866, as shown by bills of lading, in Havana. That the said cargo of alleged molasses reached the port of New Orleans on the 11th day of January, 1867, per the American brig Benj. Bendelous. That upon the arriving of the said cargo he, the said Troisgros, deposited at the custom-house the amount of duties thereon, being the sum of \$4,044.56. That upon the arrival of said brig at the port of New Orleans, the custom-house gaugers, upon examination, found, and so reported, that nine of the hogsheads of the said cargo, billed as molasses as aforesaid, contained sugar or "cistern bottoms." The said Troisgros, after being informed of the result of said examination and report of the said gaugers, on the 10th day of May, 1867, paid the duty on the said nine hogsheads as sugar or cistern bottoms, estimated at the sum of \$370.95, and obtained a permit for the delivery and removal of the said nine hogsheads of sugar; and that upon applying for said nine hogsheads of sugar or tank bottoms, he, Troisgros, was informed that the same had been seized, condemned, and sold as seized goods. The time when this application to remove said sugars was made by the said Troisgros does not appear in the evidence, but from the papers accompanying this case it was some time in the year 1867. Here the matter, so far as the evidence or papers show, rested until the said Troisgros filed his petition in the United States district court for the district of Louisiana, on the 26th day of November, 1877, about ten years after he was notified and fully informed that the said nine hogsheads of sugar or tank bottoms had been seized, condemned, and sold as *forfeited* goods or sugar under the revenue laws of the United States, amounting, in the aggregate, as claimed by Troisgros, to the sum of \$1,679.45. The evidence on file shows that the said nine hogsheads of sugar were seized, condemned, and sold by the United States revenue officers at New Orleans for being *invoiced* and *entered* as molasses in violation of a provision of sec. 1, act June 30, 1864, which is reproduced in schedule G, sec. 2504 of Revised Statutes. The seizure, condemnation, and sale of this sugar took place in 1867, and the papers on file show that there is no record of any application

for remission of the forfeiture at that time, or any other time, to the custom-house officers; nor does there appear to have been any protest or appeal against the action of the additional duties, as required by secs. 14 and 15, act of June 30, 1864, and now shown in secs. 2930 and 2931, Revised Statutes; that no record of the seizure appears in the office of the Treasury Department, or their attention called to it, until the receipt of a petition for remission of the forfeiture on the 8th day of January, 1880, as obtained upon their own application from the office of the district court aforesaid at New Orleans through the collector of customs at that port. There is no evidence that the said Troisgros applied to the Treasury Department for a remission of this forfeiture, either under the acts of 1864 aforesaid, or under sec. 5292 of the Revised Statutes.

The said Troisgros, as far as the evidence and papers show, seems to have remained quiet, without any effort to recover or have refunded to him any real or supposed over or unjust payments as regarded his sugar or tank bottoms, until a short time before he filed his petition in the district court aforesaid, for the purpose of having the said forfeiture remitted under section 5292 of the Revised Statutes aforesaid. And it appears, so far as the evidence and papers show, he contented himself with the action of that court, and instead of following up the statute, sec. 5292, aforesaid, and making his application to the Treasury Department, as therein provided, he fails or declines to comply fully with the terms and provisions of that act by applying to the Treasury Department for relief; but with his transcript of said district court, applies for relief directly to Congress. The committee have arrived at the conclusion that whatever may have been the equities of Mr. Troisgros to have had the forfeiture set aside and the excess of duties paid by him refunded upon timely and reasonably prompt action, yet his want of diligence as an old and experienced importer, with an amount of money involved that would not only invite investigation but arouse energy, without anything to show or explain this neglect or omission, they find he slept upon his right, if any he had, to now call on Congress for relief. A ten years' slumber is too long to awaken a safe and prudent Congressional discretion; so finding and believing, the committee report adversely to the claim, and recommend that the bill be indefinitely postponed, and that this committee be discharged from any other or further consideration of said claim.

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